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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,436	10/16/2003	Junichi Gouko	8017-1103	5797

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EXAMINER

RICHARDSON, JOHN A

ART UNIT PAPER NUMBER

3641

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,436

Applicant(s)

GOUKO ET AL.

Examiner

John Richardson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-16-2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Non Final Rejection

1). The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2). The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3). Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites the limitation "**target signal receiving means**" in lines 2, 8, 9 and 13. There is insufficient antecedent basis for this limitation in the claim.

4). Claims 2 to 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 cites the limitation of **to bring associated members into impact against each other, thereby generating said recognition information.**

The claim is vague , indefinite and incomplete in that the claimed function **to bring associated members into impact against each other, thereby generating said recognition information,** is lacking any **structure to support** the limitation.

5). Claims 3 to 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 cites the limitation of **a shaft in an operational direction.**

The claim is vague , indefinite and incomplete in that it is not clear which **shaft** is being claimed and as to where the said **shaft** is connected.

6). Claims 4 to 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 cites the limitation of **the operational direction of the shaft perpendicular to a gun barrel.**

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The claim is vague , indefinite and incomplete in that the claim is lacking any definition of **the type of connection or relationship between the shaft and the solenoid.**

7). Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 cites the limitation of **prohibited said shooting means.**

The claim is vague, indefinite and incomplete in that the function **prohibited said shooting means** is lacking any **structure to support** the limitation.

8). Claims 1, 7, 8, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al (U.S. 6,616,452).

The reference discloses a firearm (item 6) comprising a trigger manipulating means (item 7) for performing shooting operations by emitting a laser beam (item 11) at a target (item 10), a recognition information means for permitting the firearm operator to recognize that the operations have been performed by means of sensor (items 16) and analytical computational means (item 18), and a control means for operating said recognition information means (item 36), relating to claim 7, the reference discloses the said shooting means emits a light ray / laser beam (item 11), relating to claim 8, the said control means generates recognition information (Column 6, lines 17-37), relating to claim 10, the reference discloses the said recognition information means include acoustic / sound sensors (Column 6, lines 8-12).

9). Claims 1, 7, 8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsang et al (U.S. 5,816,817).

The reference discloses a firearm (items 36) comprising a trigger manipulating means (Column 6, lines 1-6) for performing shooting operations by emitting a laser beam (items 38) at a reflective surface target (item 34), a recognition information means for permitting the firearm operator to recognize that the operations have been performed by means of sensor (item 42) and a control means for operating said recognition

information means (item 32), relating to claim 7, the reference discloses the said shooting means emits a light ray / laser beam (item 38), relating to claim 8, the said control means generates recognition information (Column 7, lines 30+, Column 8, lines 1-45, items 90, 98), relating to claim 10, the reference discloses the said recognition information means includes analog signals in the form of pulses / vibrations (Column 15, lines 64+, items 702).

10). Claims 1 to 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kounoe (U.S. 5,577,962).

The reference discloses a firearm (item 6) comprising a trigger manipulating means (item 6) for performing shooting operations by emitting a light beam at a target / monitor (item 1), a recognition information means for permitting the firearm operator to recognize that the operations have been performed by means of sensor (items 26) and analytical computational means (item 7), and a control means for operating said recognition information means (items 10, 11), relating to claim 2, the reference discloses a solenoid (item 20) for controlling the receipt of a target detection signal (Column 4, lines 16-29), relating to claim 3, the said solenoid has a diameter larger than the operational shaft (see Figure 1, items 20, 18), relating to claim 4, the reference discloses the said shaft perpendicular to the weapon barrel (item 5).

11). Claims 1, 7, 8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearman et al (U.S. 4,545,583).

The reference discloses a firearm (item 14) comprising a trigger manipulating means (item 7) for performing shooting operations by emitting a bullet signal (item 13) at a target (item 18), a recognition information means for permitting the firearm operator to recognize that the operations have been performed by means of sensor (items 60) and analytical computational means (item 64), and a control means for operating said recognition information means (item 26), relating to claim 7, the reference discloses the said shooting means emits a light ray (item 13), relating to claim 8, the said control means generates recognition information and forces control to inhibit operations (Column 9, lines 62+, Column 10, lines 1-8) that reads on the cited claim limitations, relating to claim 10, the reference discloses the said recognition information means include acoustic effects (Column 10, lines 8-22, item 38).

12). Claims 5, 6, 9 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action.

13). The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


14). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306 4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305 7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

John Richardson, PE,

May 05 2004.



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER